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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,058	07/24/2001	Masayoshi Kobayashi	P/2291-103	6067

32172 7590 04/07/2005

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EXAMINER	
PHILLIPS, HASSAN A	
ART UNIT	**PAPER NUMBER**
2151	

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/915,058	KOBAYASHI, MASAYOSHI	
	Examiner	Art Unit	
	Hassan Phillips	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 February 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2/4/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The Examiner has received the Information Disclosure Statements (IDS) filed on February 4, 2005, and January 14, 2005.

2. In the IDS filed on January 14, 2005, Foreign Patent documents JP 7-307760, JP 2001-526814, JP 61-248640, and Non-Patent Literature document "Designing and Installation of an Interactive Pre-reading System in WWW", have not been considered since an English translation has not been provided.

Response to Arguments

3. Applicant's arguments filed July 19, 2004 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, motivation to combine the AAPA with Stiller is found in knowledge generally available to one of

ordinary skill in the art. The teachings of Stiller show a well-known means for implementing a "relay server" as claimed by the Applicant. It would have been obvious to one of ordinary skill in the art to modify the teachings of AAPA to show a well-known means for handling and routing requested information.

Furthermore, the functionality of the node disclosed by Stiller is equivalent to that of the relay server claimed by the Applicant, differencing only in terminology. The Examiner has thus interpreted the node of Stiller to be the relay server claimed by the Applicant.

Also, in considering the Applicants claimed invention, the Examiner has interpreted the claim language as broadly as possible. It is the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in a manner that distinguishes over the prior art.

Failure for Applicant to significantly narrow definition/scope of the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response and reiterated the need for Applicant to define the claimed invention more clearly and distinctly. Accordingly the references supplied by the examiner in the previous office action covers the claimed limitations. The rejections are thus sustained. Applicant is requested to review the prior art of record for further consideration.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-3, 6-8, 11, 12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants Admitted Prior Art (AAPA), in view of Stiller et al. (hereinafter Stiller), U.S. Patent 6,130,881.

6. In considering claims 1, 6, and 11, AAPA shows a method, system, and recording medium for transferring information that is not urgent from a server originally holding the information to an information-request source through a network including a plurality of routers. See page 1, line 9, through page 5, line 16.

Although the AAPA shows substantial features of the claimed invention, it fails to expressly disclose: A relay server located on a path between the server and the information-request source.

Nevertheless, relay servers were well known in the art at the time of the present invention. In a similar field of endeavor Stiller shows a method for routing traffic in wireless data networks comprising the steps of: Determining at least one relay server located on a path between a server and an information-request source, wherein the path is set by at least one router in the network; and transferring the information through

the path such that each relay server receives the information from upstream, temporarily stores and transmits the same to downstream, (col. 7, lines 2-26).

Thus, it would have been obvious to one of ordinary skill in the art to modify the teachings of AAPA, to implement a relay server located on a path between the server and the information-request source. This would have shown a well known means for properly handling and routing the information being requested.

7. In considering claims 2, 7, and 12, AAPA teaches the information-request source being a cache server for storing a copy of information that is likely to be accessed by a terminal. See page 1, lines 9-14.

8. In considering claims 3 and 8, AAPA teaches the transfer of information from the server to the cache server being caused by the cache server performing at least one of an automatic cache updating operation, a link prefetching operation and a cache server cooperating operation. See page 1, lines 9-14.

9. Claims 4, 5, 9, 10, 13, are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA, in view of Stiller, and further in view of Horvitz, U.S. Patent 6,067,565.

10. In considering claims 4, 9, and 13, AAPA shows a method, system, and recording medium for transferring information that is not urgent from a server originally

holding the information to an information-request source through a network including a plurality of routers. See page 1, line 9, through page 5, line 16.

Although the AAPA shows substantial features of the claimed invention, it fails to expressly disclose: A relay server located on a path between the server and the information-request source.

Nevertheless, relay servers were well known in the art at the time of the present invention. In a similar field of endeavor Stiller shows a method for routing traffic in wireless data networks comprising the steps of: Determining at least one relay server located on a path between a server and an information-request source, wherein the path is set by at least one router in the network; and transferring the information through the path such that each relay server receives the information from upstream, temporarily stores and transmits the same to downstream, (col. 7, lines 2-26).

Thus, it would have been obvious to one of ordinary skill in the art to modify the teachings of AAPA, to show a relay server located on a path between the server and the information-request source. This would have shown a well-known means for properly handling and routing the information being requested.

Although the combined teachings of AAPA and Stiller show substantial features of the claimed invention, they fail to expressly disclose: Requesting a transfer of the information during assigned time slots.

Nevertheless, in a similar field of endeavor, Horvitz discloses a technique for prefetching information comprising: Sending a request for transfer of information to an

upstream-located server holding the information, at any one time. See col. 1, lines 8-26.

Thus given the teachings of Horvitz, it would have been apparent to one of ordinary skill in the art to modify the combined teachings of AAPA and Stiller to show a plurality of relay servers each having a time slot previously assigned thereto, and when a current time falls into the time slot assigned thereto, sending a request for transfer of the information to an upstream-located server holding the information. This would have provided an efficient means for prefetching information during times when network bandwidth is low, and thus, allowing the information to be prefetched without interfering with, or affecting, other network traffic, Horvitz, col. 3, lines 23-37.

11. In considering claims 5, and 10, the teachings of Horvitz provide a means for a time slot assigned to each relay server to be determined depending on where the relay server is installed, wherein the time slot is a time period during which small traffic is predicted in an area where the relay server is installed. See col. 1, lines 8-26.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (571) 272-3940. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ZARNI MAUNG
SUPERVISORY PATENT EXAMINER

HP/
3/29/05